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Before the
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Advanced Television Systems)
and Their Impact upon the)
Existing Television Broadcast)
Service)

MM Docket 87-268

To: The Commission

**REPLY COMMENTS OF
SULLIVAN BROADCASTING COMPANY, INC.**

Sullivan Broadcasting Company, Inc. ("Sullivan"), by its attorneys, hereby submits its reply to certain of the comments and proposals submitted with regard to the Commission's Sixth Further Notice of Proposed Rule Making (released August 14, 1996) in the above-captioned proceeding:

1. Sullivan, through subsidiaries, owns ten television broadcast stations, of which nine operate on UHF frequencies. Sullivan's UHF stations are:

WUTV	ch. 29	Buffalo, NY
WUHF	ch. 31	Rochester, NY
WFXV	ch. 33	Utica, NY
WXLV	ch. 45	Winston-Salem, NC
WRGT-TV	ch. 45	Dayton, OH
WTAT-TV	ch. 24	Charleston, SC
WZTV	ch. 17	Nashville, TN
WRLH-TV	ch. 35	Richmond, VA
WMSN-TV	ch. 47	Madison, WI

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It is with regard to these nine stations that Sullivan is submitting these Reply Comments. (Sullivan also owns WPNY-LP, an LPTV station in the Utica, New York area, and WVAH-TV, a VHF station at Charleston, West Virginia.)

2. Sullivan's principal concern in this proceeding is the tremendous disparity that would exist, under the Broadcast Caucus proposal, between current VHF stations in their new DTV/UHF modes and today's UHF stations in their new DTV/UHF positions. In general, today's full-power VHF TV stations have somewhat larger coverage areas than full-power UHF TV stations. The Commission's original proposal for the next generation of television stations would have eliminated that disparity, to a large extent, by somewhat reducing the beyond-the-horizon predicted coverage contours of current VHF stations in their new UHF positions. However, the Commission now has embraced the concept of attempting to replicate the current coverage areas of stations. Sullivan does not object to that concept, in general. However, the problem is that the current proposals – especially the proposal of the Broadcast Caucus – would create a greater disparity than now exists between VHF and UHF stations. Indeed, in some cases under the Caucus proposal, the power level of a current VHF station in DTV/UHF would be more than 100 times greater than that of a current UHF station such as Sullivan's.

3. Sullivan agrees with many of the points raised in the November 22, 1996 Comments of the Association of Federal Communications Consulting Engineers ("AFCCE"). AFCCE states that attempting to replicate a low-band VHF station's current predicted Grade B contour with a UHF facility "means extending the Grade B contour nearly 20 miles beyond the radio horizon, a feat which requires 13-14 dB more transmitter power than that required to reach the radio horizon (based on the F50,50 curves)." AFCCE proposes instead the use of planning

factors which include the assumption that receiving antennas beyond the radio horizon “would employ a low noise amplifier (LNA) in order to overcome the significant penalties associated with distance and over-the-horizon propagation and achieve the same degree of ‘replication’ as now being proposed.” Sullivan agrees with this approach.

4. Based on the planning factor described above and others, AFCCE proposes to limit the ERP of all DTV stations to 500 KW for 10 years “or until enough field data is available on signal availability, interference and fading statistics.” Sullivan agrees with this proposed limit. (The two-year limit being proposed by some broadcasters is acceptable to Sullivan, so long as the two-year period is extended if necessary until six months after consumer DTV receivers are widely available.)

5. An example of how the Caucus proposal would adversely affect a Sullivan station is Sullivan’s Madison, Wisconsin station, WMSN-TV, which currently operates on channel 47 with 1,150 KW. The Commission’s proposal would place WMSN-TV’s DTV allotment on channel 48 with 50 KW. The Caucus would place WMSN-TV/DTV on channel 66 with 27.9 KW, but other Madison DTV stations would have 451 KW!

6. Sullivan also is very much concerned with certain specific aspects of the Commission’s current proposals and the proposals of the Broadcast Caucus and the Association of Maximum Service Telecasters (“MST”), to the extent they will directly, adversely affect Sullivan’s stations. As pointed out in paragraph 1 above, none of Sullivan’s nine UHF stations currently broadcasts in the channel 60-69 band. MST’s current proposal would place three of Sullivan’s DTV stations in that band: WRGT-TV, Dayton, Ohio (to channel 61 from channel 45), WRLH-TV, Richmond, Virginia (to channel 67 from channel 35) and WMSN-TV, Madison, Wisconsin (to channel 66 from channel 47). There are three disadvantages to being displaced to

the 60s. First, the higher channels are more difficult for viewers to receive and, second, these stations will have to be moved again if the Commission decides to use these frequencies for other purposes, as has been proposed. Furthermore, in some cases all or most of the other DTV allotments proposed in a Sullivan market are clustered in the bottom portion of the UHF band, with Sullivan's station as the only one in the 60-69 band; this would exacerbate the difficulty viewers would have in tuning in Sullivan's station in non-cable viewing situations, which are likely to be a greater factor in a DTV environment (especially if there is no "must-carry" requirement for DTV stations). For these reasons, Sullivan requests that the Commission include in its rules a provision allowing broadcasters with assignments in the channel 60-69 band to immediately request different channels, assuming that such proposed new channels meet the Commission's spacing and other rules.¹

7. Sullivan also is concerned that the power levels proposed for some of its stations are too low. Sullivan supports the proposal that current UHF licenses initially may broadcast, on their new DTV channels, with twice the power listed in the Commission's Table [add citation]. Furthermore, in July 1996 Sullivan filed several applications for construction permit for modification of its stations' facilities, to transmit at higher power. One such application has already been granted and the power increase implemented, and the others will be implemented as soon as the Commission grants them. In such situations, the initial power levels for Sullivan's DTV channels should be based on the analog station's new coverage.

¹ The Commission proposes to allow such changes with consent of all other TV stations in the market. Sullivan is here suggesting that such consent not be required. Why would other stations consent to allowing a competitor out of an inferior channel position?

8. In conclusion, Sullivan urges that the Commission:
1. Impose a 500KW limit for DTV stations for ten years, or until sufficient field data is available and industry groups agree on some other power limit.
 2. Allow stations whose proposed new DTV allocations are in the channel 60-69 band to immediately file petitions or applications for initial use of lower channels, without consent of other stations.
 3. Allow current UHF licensees to broadcast, on their new DTV channels, with twice the power levels listed in the Commission's proposed Table.

Respectfully submitted,

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